UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

IN RE: BIOPURE SECURITIES LITIGATION)) (CIVIL ACTION) NO. 03-12628-No.
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DEFENDANTS' ASSENTED-TO MOTION FOR LEAVE TO EXCEED PAGE LIMIT

Defendants Biopure Corporation, Thomas A. Moore, Carl W. Rausch, Howard P. Richman, Charles A. Sanders and J. Richard Crout ("Defendants") with the assent of Plaintiffs, respectfully move this Court for leave to submit the accompanying 42-page Memorandum of Law in Support of Defendant's Motion to Dismiss the Consolidated Amended Class Action Complaint, in excess of the standing 20-page limit provided in Local Rule 7.1(B)(4).

As grounds for this Motion for Leave to Exceed Page Limit ("Motion"), Defendants state the following:

- 1. The Memorandum of Law includes thorough analysis and citation to legal authority which will assist the Court in resolution of Defendants' Motion to Dismiss, and that might otherwise be compromised if confined to the 20-page limit.
 - 2. Plaintiffs assent to the relief sought by this Motion.

WHEREFORE, Defendants respectfully request leave to submit a Memorandum of Law in Support of their Motion to Dismiss the Consolidated Amended Class Action Complaint in excess of the 20-page limit.

Respectfully submitted,

BIOPURE CORPORATION, THOMAS A. MOORE, CARL W. RAUSCH, HOWARD P. RICHMAN, CHARLES A. SANDERS and J. RICHARD CROUT

By their attorneys,

/s/Robert A. Buhlman

Robert A. Buhlman, BBO #554393 Eunice E. Lee, BBO #639856 Raquel J. Webster, BBO #658796 BINGHAM MCCUTCHEN LLP 150 Federal Street Boston, MA 02110 (617) 951-8000

Dated: October 6, 2004

RULE 7.1(a)(2) CERTIFICATION

I hereby certify that counsel for Defendants conferred with counsel for Plaintiffs in good faith to resolve or narrow the issues presented in this motion. Counsel for Plaintiffs does not oppose the relief sought by this motion.

/s/ Eunice E. Lee Eunice E. Lee

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above pleading was electronically served upon the attorneys of record for all parties on October 6, 2004.

/s/ Eunice E. Lee Eunice E. Lee

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